

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

FIRST PERFORMANCE, LLC, et al.

PLAINTIFF

VS.

CIVIL ACTION NO.: 2:11-cv-39-JMV

DESOTO COUNTY MISSISSIPPI, et al.

DEFENDANT

ORDER DISMISSING CASE

This matter comes before the court, *sua sponte*, in response to Plaintiffs' Response [24] to this court's Order [23] on Motion to Amend/Correct the Complaint. In the prior Order [23], the court allowed the plaintiffs an opportunity to draft an amended complaint against Desoto County – the only remaining defendant. Such amended complaint was to conform to the heightened pleading standard of *Bell Atlantic Corp. v. Twombly* and *Ashcroft v. Iqbal*. Specifically, it was to identify each cause of action asserted, its elements, and some facts, when viewed as true, from which the court can infer the elements of the cause of the action can plausibly be met. In addition, the court cautioned plaintiffs' counsel that failure to plead facts with sufficient evidentiary support could result in a violation of Federal Rule of Civil Procedure 11. In his Response [24], plaintiffs' counsel represented he could not draft a complaint within the Rule 11 certification standard.

For the reasons previously set forth in the court's prior Order [23] and in view of the Plaintiffs' Response to this court's prior Order [24], this action is hereby **DISMISSED**.

SO ORDERED this, the 26th day of September, 2013.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE